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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,604	09/15/2003	Maurice Fracheboud	29089/39605	6810
4743	7590	07/16/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP			BENNETT, GEORGE B	
6300 SEARS TOWER			ART UNIT	
233 S. WACKER DRIVE			PAPER NUMBER	
CHICAGO, IL 60606			2859	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,604

Applicant(s)

FRACHEBOUD ET AL.

Examiner

G. Bradley Bennett

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 6-9 and 13 are objected to because of the following informalities:

Appropriate correction is required.

Claims 6-8: the term "the movable part of the shock absorber" is lacking antecedent basis. Please correct.

Claim 9: this claim is lacking a period at the end. Please correct.

Claim 13: the term "each transmission unit" is lacking antecedent basis. Please correct.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18 and 25-28 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Aehnelt et al.

4. Aehnelt et al. discloses the invention as claimed where: **11** is a movable part; **1** is a fixed part; **3**, **5** and **6** are weight compensating means. The weight compensating means uses both springs and permanent magnets as claimed. The device can be used in a coordinate measuring machine (see Aehnelt et al. claim 9, for example).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aehnelt et al. in view of Ernst.

7. Aehnelt et al. discloses the substantially as claimed. However, Aehnelt et al. does not disclose the shock absorbing leaf springs as claimed. Ernst discloses how shock absorbing leaf springs may be used in conjunction with a touch probe for the purpose of protecting the touch probe from damage during use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the shock absorbing means as taught by Ernst in conjunction with the Aehnelt et al. device for the purpose of protecting the probe of Aehnelt et al.

8. Claims 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aehnelt et al. and Ernst as applied to claims 1-8 and 15-18 above, and further in view of Neuer et al..

9. Aehnelt et al. and Ernst disclose the invention substantially as claimed.

However, neither Aehnelt et al. nor Ernst disclose the transmission means as claimed.

Neuer et al. discloses a transmission means as claimed for the purpose of moving a touch probe into a measuring position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the transmission means as taught by Neuer et al. in conjunction with the Aehnelt et al. device for the purpose of moving the probe of Aehnelt et al.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aehnelt et al. and Ernst as applied to claims 1-8 and 15-18 above, and further in view of Ertl.

11. Aehnelt et al. and Ernst disclose the invention substantially as claimed.

However, neither Aehnelt et al. nor Ernst disclose the flexure link transmission means as claimed. Ertl discloses a flexure link transmission means as claimed for the purpose of moving a touch probe into a measuring position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the transmission means as taught by Ertl in conjunction with the Aehnelt et al. device for the purpose of moving the probe of Aehnelt et al.

12. Claims 19-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aehnelt et al. in view of Neuer et al.

13. Aehnelt et al. discloses the invention substantially as claimed. However, Aehnelt et al. does not disclose the transmission means as claimed. Neuer et al. discloses a transmission means as claimed for the purpose of moving a touch probe into a measuring position. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to use the transmission means as taught by Neuer et al. in conjunction with the Aehnelt et al. device for the purpose of moving the probe of Aehnelt et al.

14. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aehnelt et al. and Neuer et al. as applied to claim 20 above, and further in view of Ertl.

15. Aehnelt et al. and Neuer et al. disclose the invention substantially as claimed. However, neither Aehnelt et al. nor Neuer et al. disclose the flexure link transmission means as claimed. Ertl discloses a flexure link transmission means as claimed for the purpose of moving a touch probe into a measuring position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the transmission means as taught by Ertl in conjunction with the Aehnelt et al. device for the purpose of moving the probe of Aehnelt et al.


16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Bradley Bennett whose telephone number is 571.272.2237. The examiner can normally be reached on M-TH 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on 571.272.2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


G. Bradley Bennett
Primary Examiner
Art Unit 2859

gbb
15 JUL 2004